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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/658,712 | 09/11/2000 | Peter Heiler | A-2528 | 4157 |

7590 05/20/2003

Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, FL 33022-2480

EXAMINER

CRENSHAW, MARVIN P

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2854

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/658,712

Applicant(s)

HEILER ET AL.

Examiner

Marvin P. Crenshaw

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment on 03 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 10, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Guaraldi et al.

Guaraldi et al. teaches a rotatable body (Fig. 1) for printing machines comprising a circumferential surface provided with a surface structure and formed of a nonmetallic material, said circumferential surface being a roller selected from the group of rollers consisting of a slip roller (16) and a vibrator roller (20). The roller serves for carrying one of ink and emulsion (See col. 1, lines 19-22). The rotatable body wherein during printing, said roller is in permanent engagement (Fig. 1) with two other rollers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guaraldi et al. in view of Buchwald.

Guaraldi et al. teaches all that is claimed, as discussed in the above rejection of claims 1-3, 10, 15 and 16, except the surface structure of the roller for carrying a liquid and has a groove running helically in the circumferential surface

With respect to claim 4, Buchwald teaches a surface structure is a groove running helically (5) in the circumferential surface.

With respect to claim 5, Buchwald teaches the nonmetallic material (See col. 5, lines 65-57 and col. 6, lines 1-6) is selected from the group of materials consisting of hard rubber and hard plastic material.

With respect to claim 6, Buchwald teaches a surface structure is made up of a multiplicity of dimples (Fig. 2) formed in the circumferential surface

With respect to claim 7, Buchwald teaches the surface is formed of slats (Fig. 2).

With respect to claim 9, Buchwald teaches the nonmetallic material (See col. 5, lines 65-57 and col. 6, lines 1-6) is selected from the group of materials consisting of soft rubber and soft plastic material.

It would have been obvious to modify Guaraldi et al. to have a surface structure for the roller to carry a liquid and having a groove running helically in the circumferential surface as taught by Buchwald because the rotatable body is excellent when carrying or transferring fluids to another roller.

With respect to claim 8, having an arithmetical average height of the surface structure is at least 12 microns, is merely a design choice for controlling the amount of liquid to be transferred to the other rollers during printing.

With respect to claim 11-14, having a rotatable body having a circumferential surface for carrying a viscous liquid, offset printing ink, a printing-ink emulsion and a dampening-solution, Buchwald teaches a circumferential surface (See Col. 3, lines 19-39) for a roller for use in conventional printing presses that is used to carry any liquid of use in the press.

Response to Arguments

Applicant's arguments filed 3/03/03 have been fully considered but they are not persuasive. With respect to claims 1-3,10,15 and 16, Guaraldi et al. teaches a rotatable body having a circumferential surface for transferring liquid to another roller. He also specifies using a slip and a vibrator roller as his rotatable bodies in a printing machine. Also, Buchwald has been added to teach the surface structure of the roller for carrying a liquid.

With respect to the roller being a vibrator roller that periodically comes into contact with another roller this argument is not persuasive for two reasons.

First, the claim language does not require a vibrator roller to meet the claims since the claims state that the roller is either a slip roller or a vibrator roller. Second, the language in claims 15 and 16 addressing the periodic contacting of the vibrator roller is

functional language and does not set forth structure to distinguish the claimed roller from the vibrator roller of Guaraldi.

With respect to applicant's argument that the roller 20 of Guaraldi is incorrectly labeled, the roller 20 of Guaraldi is still a type of vibrator roller even though it functions differently from a periodically moving vibrating roller.

With respect to Guaraldi does not teach the roller (20) having a nonmetallic surface, it does not. But with respect to claims 1, 10, 15 and 16, it is only claimed that one or the other roller is made of a nonmetallic material and the slip roller being made of rubber meets it.

With respect to the roller having a surface structure, the applicant hasn't stated in the claims what that surface structure is for the roller, with that structure not being clearly stated the prior art teaches a roller having a surface structure for transferring liquid to the other rollers.

Also, with respect to applicant's argument concerning Shiraki et al., this reference was not applied to the claims in the last office action. Therefore, the arguments are moot.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

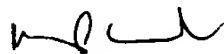
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

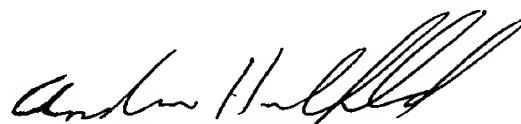
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (703) 308-0797. The examiner can normally be reached on Monday - Friday 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MPC
May 13, 2003



ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800